

106TH CONGRESS
1ST SESSION

H. R. 1769

To eliminate certain inequities in the Civil Service Retirement System and the Federal Employees' Retirement System with respect to the computation of benefits for law enforcement officers, firefighters, air traffic controllers, nuclear materials couriers, and their survivors, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 12, 1999

Mr. CUMMINGS introduced the following bill; which was referred to the
Committee on Government Reform

A BILL

To eliminate certain inequities in the Civil Service Retirement System and the Federal Employees' Retirement System with respect to the computation of benefits for law enforcement officers, firefighters, air traffic controllers, nuclear materials couriers, and their survivors, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Federal Employ-
4 ees' Benefits Equity Act of 1999."

1 CIVIL SERVICE RETIREMENT SYSTEM

2 SEC. 2. (a) Section 8339 of title 5, United States
3 Code, is amended—

4 (1) in subsection (d)(1)—

5 (A) by striking “(d)(1)” and inserting
6 “(d)(1)(A)”;

7 (B) by redesignating subparagraphs (A)
8 and (B) as clauses (i) and (ii), respectively; and

9 (C) by adding at the end the following new
10 subparagraph:

11 “(B) If, at any age and after completing
12 20 years of service as a law enforcement officer,
13 firefighter, or nuclear materials courier, or any
14 combination of such service totaling at least 20
15 years, an employee retires under section
16 8336(d)(1) or 8337, the annuity of such em-
17 ployee shall be computed under subparagraph
18 (A).”;

19 (2) in subsection (e)—

20 (A) by striking “(e)” and inserting
21 “(e)(1)”;

22 (B) by adding at the end the following new
23 paragraph:

24 “(2) If, at any age and after completing 20 years of
25 service as an air traffic controller, an employee retires

1 under section 8336(d)(1) or 8337, paragraph (1) shall be
2 applied in computing the annuity of such employee.”; and

3 (3) in subsection (q)—

4 (A) by striking “(q)” and inserting
5 “(q)(1)”;

6 (B) by redesignating paragraphs (1) and
7 (2) as subparagraphs (A) and (B), respectively;
8 and

9 (C) by adding at the end the following new
10 paragraph:

11 “(2) If, at any age and after completing 20 years of
12 service as a member of the Capitol Police or as a law en-
13 forcement officer (or any combination of such service to-
14 taling at least 20 years), a member or former member of
15 the Capitol Police retires under section 8336(d)(1) or
16 8337, the annuity of such member or former member shall
17 be computed under paragraph (1).”.

18 (b) Section 8341(d) of title 5, United States Code,
19 is amended—

20 (1) by inserting the following immediately after
21 the first sentence: “For purposes of the preceding
22 sentence, subsections (b)-(e) and (q) of section 8339
23 may be considered as applying with respect to the
24 employee or Member only if the employee or Member
25 satisfied the age and service requirements for appli-

1 cation of such subsections to the employee or Mem-
2 ber at the date of death. For this purpose, the dece-
3 dent shall be deemed to have been disabled for pur-
4 poses of retirement under section 8337 at the time
5 of death.”; and

6 (2) by striking “Notwithstanding the preceding
7 sentence” and inserting “Notwithstanding the first
8 sentence of this subsection”.

9 (c) Section 8342 of title 5, United States Code, is
10 amended by adding at the end the following new sub-
11 section:

12 “(k) When an employee—

13 “(1) has service as a law enforcement officer,
14 firefighter, nuclear materials courier, or member of
15 the Capitol Police for which retirement deductions
16 were withheld under section 8334(a) or deposited
17 under section 8334(c) at a higher percentage rate
18 than that applicable to employees generally; and

19 “(2)(A) begins to receive an annuity which is
20 not computed under section 8339(d) or (q) and, in
21 the case of a member of the Capitol Police, also does
22 not have his or her service as a member of the Cap-
23 itol Police credited in the computation of an annuity
24 under section 8339(b) or (c); or

1 “(B) dies before retiring under this subchapter
2 but who leaves a survivor entitled to an annuity
3 under section 8341 based on the deceased employ-
4 ee’s service, provided that—

5 “(i) such survivor annuity is not based on
6 an employee annuity computed under section
7 8339(d) or (q); and

8 “(ii) where the decedent was a member or
9 former member of the Capitol Police, such sur-
10 vivor annuity is not based on an annuity com-
11 puted under section 8339(b) or (c) which in-
12 cludes credit for service as a member of the
13 Capitol Police—

14 the difference between the employee deductions for
15 such service at the higher percentage rate and the
16 employee deductions that would have been withheld
17 at the rate applicable to employees generally under
18 section 8334(a)(1), together with interest computed
19 in accordance with paragraphs (2) and (3) of section
20 8334(e) and applicable regulations prescribed by the
21 Office, shall be paid to the annuitant or, in the case
22 of a deceased employee, to the individual entitled to
23 a lump-sum benefit under subsection (c).”.

24 FEDERAL EMPLOYEES’ RETIREMENT SYSTEM

25 SEC. 3. (a) Section 8415(d) of title 5, United States
26 Code, is amended to read as follows—

1 “(d)(1) The annuity of an employee retiring under
2 subsection (d) or (e) of section 8412 or under subsection
3 (a), (b), or (c) of section 8425 is—

4 “(A) $1\frac{7}{10}$ percent of that individual’s average
5 pay multiplied by so much of such individual’s total
6 service as a law enforcement officer, firefighter,
7 member of the Capitol Police, nuclear materials cou-
8 rier, or air traffic controller as does not exceed 20
9 years; plus

10 “(B) 1 percent of that individual’s average pay
11 multiplied by the remainder of such individual’s total
12 service.

13 “(2) If, at any age and after completing 20 years of
14 service as a law enforcement officer, firefighter, member
15 of the Capitol Police, or nuclear materials courier, or any
16 combination of such service totaling at least 20 years, an
17 employee retires under section 8414(b)(1)(A) or 8451, the
18 annuity of such employee shall be computed under para-
19 graph (1).

20 “(3) If, at any age and after completing 20 years of
21 service as an air traffic controller, an employee retires
22 under section 8414(b)(1)(A) or 8451, the annuity of such
23 employee shall be computed under paragraph (1).”.

1 (b) Section 8424 of title 5, United States Code, is
2 amended by adding at the end the following new sub-
3 section:

4 “(i) When an employee—

5 “(1) has service as a law enforcement officer,
6 firefighter, member of the Capitol Police, air traffic
7 controller, or nuclear materials courier for which re-
8 tirement deductions were withheld under section
9 8422(a) at a higher percentage rate than that appli-
10 cable to employees generally; and

11 “(2)(A) begins to receive an annuity which is
12 not computed under section 8415(d) and, in the case
13 of a member of the Capitol Police, also does not
14 have his or her service as a member of the Capitol
15 Police credited in the computation of an annuity
16 under section 8415(b) or (c); or

17 “(B) dies before having retired under this chap-
18 ter but who leaves a survivor entitled to an annuity
19 under subchapter IV based on the deceased employ-
20 ee’s service provided that—

21 “(i) such survivor annuity is not based on
22 an employee annuity computed under section
23 8415(d); and

24 “(ii) where the decedent was a member or
25 former member of the Capitol Police, such sur-

1 vivor annuity is not based on an annuity com-
2 puted under section 8415 (b) or (c) which in-
3 cludes service as a member of the Capitol
4 Police—

5 the difference between the employee deductions for
6 such service at the higher percentage rate and the
7 employee deductions that would have been withheld
8 at the rate applicable to employees generally under
9 section 8422(a)(2), together with interest computed
10 in accordance with paragraphs (2) and (3) of section
11 8334(e) and applicable regulations prescribed by the
12 Office, shall be paid to the annuitant or, in the case
13 of a deceased employee, to the individual entitled to
14 a lump-sum benefit under subsection (d).”.

15 (c) Section 8442 of title 5, United States Code, is
16 amended—

17 (1) in subsection (b)(1) by adding at the end
18 the following:

19 “For purposes of the preceding sentence, section
20 8415(b)–(d) and (g) may be considered as applying with
21 respect to the employee or Member only if the employee
22 or Member satisfied the age and service requirements for
23 application of such subsections to the employee or Member
24 at the date of death. For this purpose, the decedent shall

1 be deemed to have been disabled for purposes of retire-
2 ment under section 8451 at the time of death.”; and

3 (2) in subsection (c)(2)(A)(i) by striking “sec-
4 tion 8415” and inserting “section 8415, but without
5 regard to subsection (d) of such section,”.

6 EFFECTIVE DATES

7 SEC. 4. (a)(1) Except as provided in paragraph (2),
8 the amendments made by sections 2(a) and 3(a) shall take
9 effect on the date of enactment of this Act and shall apply
10 only with respect to individuals who separate from the
11 service on or after such date of enactment.

12 (2) Notwithstanding paragraph (1), a survivor annu-
13 ity based on the service of a law enforcement officer who
14 died as an employee after October 19, 1969, or a fire-
15 fighter who died as an employee after August 13, 1972,
16 shall be computed as if the amendments made by section
17 2(a)(1) had been in effect as of the commencing date of
18 such survivor annuity. However, any such survivor annuity
19 commencing before the date of enactment of this Act shall
20 be adjusted, retroactive to the commencing date of annu-
21 ity, only upon application by the survivor annuitant.

22 (b) The amendments made by section 2(b) shall take
23 effect on the date of enactment of this Act, and also, in
24 the case of an individual whose death occurred prior to
25 such date of enactment, shall apply effective at the com-
26 mencing date of the annuity to any annuity payable under

1 section 8341(d) of title 5, United States Code, or similar
2 predecessor provisions of law applicable to survivor annu-
3 ities based on the service of employees or Members who
4 died before retiring.

5 (c) The amendments made by sections 2(c) and 3(b)
6 shall take effect on the date of enactment of this Act and
7 shall apply only with respect to individuals who separate
8 from the service or die in service on or after such date
9 of enactment.

10 (d) The amendments made by section (3)(c) shall
11 take effect on January 1, 1987.

